

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

APRIL ANN HARVEY, wife and
next of kin to her husband,
Ramsey Robert Harvey, deceased;
RYAN A. HARVEY, a minor child and next
of kin to his father Ramsey Robert Harvey,
deceased by and through his mother and
next friend, MISTY L. GILLIAM,

Plaintiffs,

v.

No. 3:07-cv-0022

CAMPBELL COUNTY, TENNESSEE;
Former Campbell County Sheriff RON MCCLELLAN,
individually and in his official capacity as Sheriff;
Former Campbell County Chief CHARLES SCOTT,
individually and in his official capacity as chief deputy;
Campbell County Deputy Sheriff RICHARD LOWE,
individually and in his official capacity as a Campbell County Deputy Sheriff;
JEFF HALL as Mayor of Campbell County, Tennessee; and
SHERIFF GARY PERKINS, in his official capacity as
Sheriff of Campbell County, Tennessee,

Defendants.

MOTION FOR SUMMARY JUDGMENT

COME the Defendants, Campbell County, Tennessee, former Campbell County Sheriff, Ron McClellan, individually and in his official capacity as the former Sheriff, former Campbell County Chief Charles Scott, individually and in his official capacity as the former Chief Deputy of the Department, and current Sheriff Gary Perkins, in his official capacity only, by and through counsel, and respectfully moves the court, pursuant to Federal Rule of Civil Procedure 56 for the entry of an order granting these Defendants summary

judgment as a matter of law. In support of this Motion, these Defendants submit a Memorandum of Facts and Law, a concise Statement of Material Facts, to which these Defendants contend that there is no genuine issue for trial, the Affidavit of Ron McClellan, the Affidavit of Charlie Scott, excerpt from the personnel record of Richard Lowe, excerpts from the plea agreement of Richard Lowe, and excerpts from the TBI investigation concerning Richard Lowe.

WHEREFORE, these Defendants, Campbell County, Tennessee, former Campbell County Sheriff, Ron McClellan, individually and in his official capacity as the former Sheriff, former Campbell County Chief Charles Scott, individually and in his official capacity as the former Chief Deputy of the Department, and current Sheriff Gary Perkins, in his official capacity only, respectfully request that their Motion for Summary Judgment be GRANTED and this case be dismissed in its entirety.

RESPECTFULLY SUBMITTED this 26th day of September, 2008.

s/Arthur F. Knight, III
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CERTIFICATE OF SERVICE

I hereby certify that on September 26th, 2008, a copy of the foregoing Motion for Summary Judgment was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by U.S. Mail. Parties may access this filing through the Court's electronic filing system.

s/Arthur F. Knight, III

Arthur F. Knight, III